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Application No. 10/822554  
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Amendment  
Attorney Docket No. P68.2B-11533-US01

## Remarks

This Amendment is in response to the Office Action dated June 28, 2006.

In the Office Action, claims 3, 10, and 12 were objected to for being dependent upon cancelled claims; claims 45 and 46 were objected to for failing to be amended consistent with claim 1; claims 21, 31, and 32 were objected to for failing to address the amendments of claim 1; and claim 17 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

A number of claim rejections, although placed under the heading "Claim Rejections—35 U.S.C. § 103", state that they are being rejected under *35 U.S.C. § 102(a) as being anticipated by the cited references*, but with references to obviousness. Therefore, Applicant is confused as to the nature of the rejections. However, Applicant assumes these are typographical errors and that the Office meant to reject the claims under 35 U.S.C. § 103(a). If this incorrect, Applicant requests clarification in a subsequent Office Action.

Claims 1, 3-4, 17-19, 21, 23, 28-29, 30-42, and 45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 4,913,264 to Voves et al. ("Voves") in view of U.S. Patent 5,230,405 to Bartlet ("Bartlet") and in further view of U.S. Patent 5,316,258 to Gauger et al. ("Gauger"); claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Voves and Bartlet, in view of Gauger, and in further view of U.S. Patent 2,507,887 to Cheney ("Cheney"); claims 6-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Voves, Bartlet, and Gauger, in view of Cheney, and in further view of U.S. Patent 2,888,099 to Hoffman ("Hoffman"); claim 24 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Voves and Bartlet, in view of Gauger, and in further view of U.S. Patent 3,830,379 to Dechantsreiter et al. ("Dechantsreiter"); and claims 43 and 44 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Voves and Bartlet, in view of Gauger, and in further view of

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U.S. Patent 6,000,758 to Schaffner et al. ("Schaffner").

Claims 10, 12, 14-16, 20, 25-27, and 46-47 were said to contain allowable subject matter and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants note with appreciation the notification of allowable subject matter. Applicants have amended claim 1 to include the limitations of claim 10, and have now cancelled claim 10.

The following comments are presented in the same order and with headings corresponding to those presented in the Office Action.

#### **Claim Objections**

In the Office Action, claims 3, 10, and 12 were objected to for being dependent upon cancelled claims. Claim 3 has been amended to correct the objected to dependency; claim 3 now depends from claim 1. Claim 1 has been amended to include the limitations of claim 10, which was said to contain allowable subject matter; claim 10 has been cancelled in light of amended claim 1. Claim 12 has been amended to correct the objected to dependency; claim 12 now depends from claim 1.

Claims 45 and 46 were objected to for failing to be amended consistent with previously amended claim 1. Claims 45 and 46 have been amended to specify a "seat support".

Claims 21, 31, and 32 were objected to for failing to address the amendments of previously amended claim 1. Applicants have amended claims 21, 31, and 32 in the manner presented above.

Applicants believe that the above-mentioned amendments overcome the

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objections and respectfully request that the Office withdraw the objections.

**Claim Rejections—35 U.S.C. § 112**

Claim 17 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicants have amended claim 17 to recite “A stair lift as claimed in claim 16 wherein said clamping element is a pre-loading screw.” Applicants direct the Office’s attention to page 12, paragraph 3 of the instant application (or paragraph [0051] of the published application), in which Applicants state that the “*fifth screw is for pre-loading* the track to improve its performance under load.” Thus, currently amended claim 17 is supported by the specification and no new matter has been added.

**Claim Rejections—35 U.S.C. § 103**

Applicants have amended claim 1 with the limitations presented in previously presented, and now cancelled, claim 10, which the Office said contained allowable subject material if rewritten in independent form. As such, independent claim 1, and all claims depending from currently amended claim 1, are nonobvious. Therefore, the rejections under 35 U.S.C. § 103 are believed to be overcome and Applicants respectfully request that the rejections be withdrawn.

**Allowable Subject Matter**

Applicants note with appreciation that claims 10, 12, 14-16, 20, 25-27, and 46-47 were said to contain allowable subject matter. Applicants have amended claim 1 to include the limitations of claim 10, and have now cancelled claim 10.

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**Conclusion**

In light of the foregoing, Applicants believe that the pending application, with pending claims 1, 3-9, 12, 14-21, and 23-47 is in condition for allowance, which action Applicants respectfully solicit.

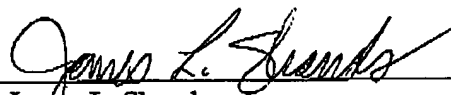
An Information Disclosure Statement is being mailed under separate cover for filing in this case.

Should the Examiner believe that anything further is required to put the application in condition for allowance, the Examiner is invited to contact the Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

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